HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 992 (M/S) of 2006

1. Smt. Indu Khanna W/o Sri V.K. Khanna,
   R/o Nav Jeevan Apartment,
   Punjabipura, Seveke Road, Siliguri.
2. Smt. Madhu Mehrotra,
   W/o Dr. K.K. Mehrotra,
   R/o C- 10/2, River Bank Colony,
   Lucknow, (U.P.).
3. Smt. Rashim Mehrotram W/o Sri Gopal Mehrotra,
   R/o Seth House, The Mall Ranikhet.
4. Smt. Anjali Khanna, W/o Sri Ashok Khanna,
   R/o 443-I.I.T Campus, Kanpur.

.....Petitioners

Versus

1. The Civil Judge, (Senior Division), Nainital.
2. Sri Rakesh Mehrotra.
3. Sri. Mukesh Mehrotra.
   Sons of Late Sri Devi Shankar Mehrotra,
   R/o 47/48 Bara Bazar, Mallital, Nainital.
4. Smt. Suman Kapoor, W/o Sri S.K. Kapoor,
   R/o 2/3 Kesar Bagh Avenue,
   Near Awadh Gymkhana Club.
   Lucknow (U.P.).
5. Smt. Manju Kapoor W/o Sri N.N. Kapoor,
   R/o Kashi Jewelers, Birhana Road,
   Kanpur, (U.P.)

.....Respondents

Sri Sarvesh Agarwal, Advocate for the petitioners
Standing Counsel for the respondent no. 1

Dated: 2.8.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioners have prayed for a writ of mandamus, directing the Civil Judge (Senior Division) Nainital to decide suit No. 9 of 1999

Smt. Indu Khanna and others V. Rakesh Mehrotra and others, pending in the court of Civil Judge (Senior Division), Nainital.

Briefly stated, the suit was filed by the petitioners praying for a decree of declaration to the extent of 1/2 share of the movables and immovable properties. The grievance of the petitioners is that the suit is pending since 1999 and the same is being adjourned from time to time. The petitioners have submitted that the defendants / respondents have also filed the suit being Suit No. 2 of 2000 and the present Suit No. 9 of 1999 has been connected with Suit No. 2 of 2000 filed by the defendant, and as such the suit filed by the petitioners is being delayed.

In view of the above, Civil Judge (Senior Division), Nainital is directed to dispose of Suit No. 9 of 1999 (Smt. Indu Khanna and others V. Rakesh Mehrotra and others) within a period of four months from filing of the certified copy of the order.

Writ Petition is disposed of. No order as to costs.

Rajesh Tandon, J.